

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

RACHEL KELLY AND TONI
BOARDMAN, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

DSV AIR & SEA, INC.,

Defendant.

C.A. No. 2:20-cv-01204-CCC-ESK

**PLAINTIFFS' UNOPPOSED MOTION FOR COURT APPROVAL OF REVISED
NOTICE OF SETTLEMENT**

Plaintiffs Rachel Kelly and Toni Boardman, individually and on behalf of all others similarly situated ("Plaintiffs") hereby request that the Court approve Plaintiffs' Revised Notice of Settlement. In support of this Motion, Plaintiffs state as follows:

1. On November 20, 2020, Plaintiffs filed their Unopposed Motion for Preliminary Approval of the Fair Labor Standards Act ("FLSA") Settlement. (ECF No. 41.) The Proposed Notice filed with the Motion contemplated that the Court would conduct a Settlement Approval Hearing before granting Final Approval of the Settlement but did not include a hearing date. (*See* ECF No. 41–3.) The Notice also required Eligible Collective Class Members to return a Claim Form within 60 days from the date the Claims Administrator mails the Notice. (*Id.*)

2. On January 14, 2021, the Court granted Plaintiffs' Unopposed Motion for Preliminary Approval of the Settlement. (ECF No. 43.) In doing so, the Court directed the Claims Administrator to send the Notice of Settlement. (*Id.*) The Court also instructed Plaintiffs to file a Motion for Final Approval of the Settlement by May 21, 2021 but did not set a Final Approval Hearing date. (*Id.*)

3. Accordingly, Plaintiffs contacted the Court to obtain a hearing date and were given a hearing date of June 10, 2021 at 10:30 a.m. The parties understood that the Court wanted to approve a Revised Notice with the Final Approval Hearing date before Plaintiffs distributed Notice. To that end, Plaintiffs sent a Revised Notice (with the consent and approval of Defendant) and Proposed Order to chambers via email on January 26, 2021.

4. The Court has not approved the Revised Notice. As such, in an abundance of caution and to ensure that Plaintiffs have enough time to facilitate notice before filing final approval papers by May 21, 2021, Plaintiffs submit this Motion and request that the Court approve the Revised Notice of Settlement filed with this Motion as Exhibit 1. A redline version of the Revised Notice is attached as Exhibit 2.

WHEREFORE, Plaintiffs respectfully request that the Court enter an Order approving Plaintiffs' Revised Notice of Settlement.

DATED: March 4, 2021

Respectfully submitted,

/s/ Patricia A. Barasch
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**Pro hac vice*

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CERTIFICATE OF SERVICE

I hereby certify that on March 4, 2021, a true and correct copy of the foregoing Unopposed Motion for Court Approval of Revised Notice of Settlement was served via the CM/ECF system, which will send a notice of electronic filing to counsel of record.

/s/ Patricia A. Barasch
Patricia A. Barasch